IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
TUESDAY THE FOURTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SIX
: PRESENT :
THE HON'BLE SRI JUSTICE BILAL NAZKI

CRIMINAL PETITION NO. 1289 OF 2002

Between:-

1. Jangir Nawaz Baig.
2. Vaddepally Narsing Rao.
3. Krishna Reddy.

(All are R/O Vivekananda Nagar Colony, Kukatpally, Ranga Reddy District.)

...

Petitioners.

AND

1. The State of A.P., rep. by its Public Prosecutor, High Court of A.P., Hyderabad.
2. A. Dhama Lingam S/O A. Kanakaiah, /O 7-8-226, Gowthamnagar, Feozguda, Balanagar, Hyderabad.

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Respondents.

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the Memorandum of grounds filed herein, the High Court may be pleased to quash the proceedings dated 21-12-2001 issued in Crl.MP. No. 2764 of 2001 in Crime No. 306 of 2001 on the file of the Additional Judicial Magistrate of Fist Class, West and South, R. R. District.

This petition coming on for hearing upon pursuing the memorandum of the grounds filed herein, and the order of the High Court dated 04-07-2002, made in Crl. MP. No.1664 of 2002, and upon hearing the arguments of Sri O. Kailashnath Reddy, Advocate for the petitioners and of the Public Prosecutor, for the Respondent No. 1, and of Sri J. Satya Prasad, Advocate on behalf of the Respondent No.2, the Court made the following

ORDER:

A complaint has been filed against the petitioners (accused 1 to 3) as early as on 12-10-2000 by the second respondent (complainant) which reads as under:

'I, A. Dharmalingam, S/O. Kanakaiah, aged about 70 years, r/o. H. No. 7-8-226, Goutamnagar, Ferozguda, RR District, belonging to Schedule Caste Community hereby bring to your kind notice that 1) Jahangir Nawaz Baig, 2) Vaddepally Narsing Rao, 3) Krishna Reddy along with 20 other people have come to my residence at about 11-00 a.m., today 10-11-2000 scolded us unparliamentary language by naming our caste (Mala) Munda Kodukularaa and demanded us to vacate the house and cattle shed when we refuse they manhandled us and have demolished my house and cattle shed.

Presently, persons belonging to above said persons i.e., 1) Jahangir Nawaz Baig, 2) Waddepally Narsing Rao, 3) Krishna Reddy are staying in our demolished cattle shed and consuming alcohol and creating nuisance to our family members.

The above said persons have filed a suit agaisnt me in OS. No. 36 of 1993 on the file of II Additional Senior Civil Judge and Judgment was passed in my favour a copy of the same is herewith enclosed.

At present I am made homeless and there is every danger to my life and my family and to my property. So I kindly request you to take necessary action against them and provide security for my family and to my property'.

Primafacie, the offence under the Schedule Caste and Schedule Tribes

(Prevention of Atrocities Act), 1989, (for short 'the SC/ST (POA) Act') is made out. Thereafter, surprisingly, the Police, in its official report on 12-01-2001, stating that it was a mistake of fact with reference to some compromise regarding land dispute between the parties. Thereafter, it appears that on a protest petition by the second respondent (complainant), the Magistrate took cognizance.

(Contd. 2.)

Even if there was a compromise between the second respondent (complainant) and the petitioners (accused) over the disputed land, it will not absolve them from the liability under the Sub – Divisional Police Officer, Balanagar, was also party to the mischief of not prosecuting the accused persons under the SC/ST (POA) Act. Therefore, the interim stay dated 04-07-2002 which has been enjoyed by the petitioners for the last six years may not be continued and the same is hereby vacated. In the meantime, let a notice be sent to the person, who was the Sub – Divisional Police Officer, Balanagar, and who gave the final report dated 12-01-2001, to show cause as to why the prosecution be not ordered against him also.

List after two weeks. Notice shall be served on the concerned Sub – Divisional Police Officer, Balanagar, after finding his particulars by the learned Public Prosecutor. The trial Court shall proceed expeditiously in the matter."

Sd/- K. MOHAN RAO

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Additional Judicial First Class Magistrate, West and South, Ranga Reddy District, Hyderabad.
2. Mr. A.R. Srinivas, Assistant Director, Anti Corruption Bureau, Telangana Region, Nampally, Hyderabad.
   (By Special Messenger along with a copy of petition and material papers)
3. Two CCs to the Public Prosecutor, High Court of A.P., Hyderabad (BY SPECIAL MESSENGER)
4. One Cc to J. Satyaprasad, Advocate (OPUC)
5. One spare copy.

BV

HIGH COURT

TGKJ

DATED 29-4-2005

NOTE POST ON 6-6-2005

ORDER
CRL.P.NO. 1121 OF 2005

EXTENDING THE STAY